

BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date: July 14, 2004  
Bulk Item: Yes X No       

Division: Growth Management  
Department: Planning

**AGENDA ITEM WORDING:** Approval for one Restrictive Covenant from Marlin Holding Inc. a Florida Corporation to have one dwelling unit on contiguous lots described as Lots 18 & 19, Block 19, Largo Sound Park, Key Largo.

**ITEM BACKGROUND:** On June 9, 2004 the Planning Commission approved an allocation award for the applicant listed below provided the applicant's Restrictive Covenant is approved by the BOCC. Marlin Holding Inc. a Florida Corporation submitted the Restrictive Covenant to Monroe County. The applicant is receiving one dwelling unit allocation award for the year ending July 13, 2004, has filed the document in accordance with Ordinance No. 47-1999.

**PREVIOUS RELEVANT BOARD ACTION:** On November 11, 1999, the BOCC adopted Ordinance No. 047-1999.

**CONTRACT/AGREEMENT CHANGES:** N/A.

**STAFF RECOMMENDATION:** Approval.

**TOTAL COST:** X

**BUDGETED:** Yes N/A No       

**COST TO COUNTY:** N/A

**SOURCE OF FUNDS:** N/A

**REVENUE PRODUCING:** Yes N/A No        **AMOUNT PER MONTH** N/A **Year**       

**APPROVED BY:** County Atty X OMB/Purchasing N/A Risk Management N/A

**DIVISION DIRECTOR APPROVAL:**


  
Timothy J. McGarry, AICP

**DOCUMENTATION:** Included X To Follow        Not Required       

**DISPOSITION:**       

**AGENDA ITEM #** K8

## M E M O R A N D U M

**TO::** Danny Kolhage, Clerk of the Court  
**FROM:** Timothy J. McGarry, Growth Management Director   
**DATE:** July 14, 2004  
**RE:** Clarification of Agenda Item

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### **Restrictive Covenant**

<b>Permit Number</b>	<b>Name on Agenda Item</b>	<b>Name on Restrictive Covenant</b>	<b>Legal Description</b>
02-3-3927	Marlin Holding Inc. a Florida Corporation	Marlin Holding Inc. a Florida Corporation	Lots 18 & 19, Block 19, Largo Sound Park, Key Largo

## LOT AGGREGATION RESTRICTIVE COVENANT

1. **WHEREAS, Marlin Holding Inc. a Florida Corporation, Joseph Silvestri, President**, the undersigned is the sole owner of the following described property located in Monroe County, Florida, described as follows:

**Lot(s): 18 and 19 Block: 19**

**Subdivision: Largo Sound Park**

**Key: Largo PB: 3-139**

**Real Estate #(s): 00470040.000000 & 00470050.000000**

2. **WHEREAS**, this Lot Aggregation Restrictive Covenant that restricts the use of the legally described property in order to receive a building permit; and
3. **WHEREAS**, the above described parcels were assigned additional points in the Permit Allocation System for building Permit # 02-03-3927 for the voluntary reduction of density through aggregation of vacant, legally platted, buildable lots; and
4. **NOW, THEREFORE**, the undersigned agree as follows:
  - The above described parcels should have its density reduced from two dwelling units to one dwelling unit in consideration of a building permit to build a single-family residence; and
  - The restrictions herein shall be binding upon the representatives, heirs, assigns and successors in title of the undersigned; it being the intention of the undersigned by execution and recording of this document that this restriction shall run with the land and shall be forever binding upon the successors in title; and

- This covenant is intended to benefit and run in favor of the County of Monroe; and
- In the event of any breach of violation of the covenant contained herein, the said County may enforce the covenant by injunction or such other legal method, as the County deems appropriate.

EXECUTED ON THIS 23 day of June, 2004

**OWNER OR OWNERS:**

Joseph R. Silvestri  
 (Signature) Joseph Silvestri, President  
 Marlin Holding Inc.,  
 A Florida Corporation

**WITNESSES:**

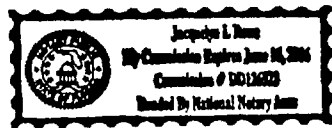
Roxanne Ling  
 (Signature)

Roxanne Ling  
 (Print/Type Name)

Mark P. Lee  
 (Signature)

Mark P. Lee  
 (Print/Type Name)

Sworn to me this 23rd day of June, 2004



This instrument was prepared by:

Jeanette Silvestri  
101761 Overseas Hwy.  
Key Largo, FL 33037

Lot Aggregation Restrictive Covenant  
 RE: 00470040.000000& 00470050.000000

Jacquelyn L. Rowe  
 Notary Public (Print Name)

Jacquelyn L. Rowe  
 Notary Public (Signature)  
 My Commission Expires